

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LASHAWN BUTLER,

Plaintiff,

v.

NORDSTROM, INC.,

Defendant

No. 04-2268 MMC

**ORDER RE: PLAINTIFF'S REQUEST
FOR CONTINUANCE**

Before the Court is plaintiff's request to continue, for a period of 90 days, the hearing on defendant's motion for summary judgment, which is currently scheduled for August 19, 2005.

Plaintiff argues she needs additional time to depose a witness, Michelle Dannis ("Dannis"). Because plaintiff's motion to compel Dannis to appear at a deposition is scheduled for hearing on August 3, 2005 before Magistrate Judge Edward M. Chen, it is premature to determine whether an extension of time to afford plaintiff the opportunity to depose Dannis is warranted. Because, pursuant to the Local Rules of this District, plaintiff's opposition to defendant's motion for summary judgment is due July 29, 2005, however, the Court will grant plaintiff a short extension of time, specifically, a two-week

1 extension, to file her opposition.¹

2 Accordingly, the Court hereby sets the following revised briefing schedule:

3 1. Plaintiff's opposition to defendant's motion for summary judgment shall be filed
4 with the Clerk and served on defendant no later than August 12, 2005.

5 2. Defendant's reply to plaintiff's opposition shall be filed and served no later than
6 August 19, 2005.

7 3. Unless the Court notifies the parties otherwise, the Court will conduct a hearing
8 on defendant's motion on September 2, 2005, at 9:00 a.m., Courtroom 7.

9 **IT IS SO ORDERED.**

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11 Dated: July 26, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge

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25 ¹Plaintiff is not precluded from seeking an additional extension if, following the
26 hearing before Judge Chen, grounds exist for such additional extension. Plaintiff is hereby
27 advised, however, that in any such request, plaintiff must set forth what specific facts she
28 believes she is likely to discover and how such facts would be sufficient to defeat
defendant's motion. See Garrett v. City and County of San Francisco, 818 F. 2d 1515,
1518 (9th Cir. 1987) (holding to properly support a request for continuance of hearing on
motion for summary judgment, party opposing summary judgment "must make clear what
information is sought and how it would preclude summary judgment")